IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

MISC.CRIMINAL APPLICATION NO.4791 OF 2004

Bipin Somchand Gandhi ...Applicant

Versus

Chandanmal T.Bhansali & Anr. ...Respondents

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Mr.Thakore i/b Mr.B.B.Parekh for Applicant.

Mr.A.S.Gadkari, A.P.P. for Respondent No.2.

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CORAM: A.M.KHANWILKAR, J.

NOVEMBER 29, 2004.

P.C.

1. Heard Counsel for the Applicant. The only contention pressed into service before this Court is that the Applicant had signed the instrument as Constituted Attorney of the Proprietor of Techno Tube Engineers. If it is so, Section 141 of the Negotiable Instruments Act cannot be pressed into service against the Applicant. This submission overlooks that the Court below has issued process against the Applicant also for the offence

punishable under Section 138 of the Negotiable Instruments Act. The Applicant being signatory to the instrument in question, no fault can be found with the Court below in issuing process to the Applicant. Hence, this Petition fails. Dismissed.

A.M.KHANWILKAR, J.